

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
DOCKET NO. 1:18-cv-00234-FDW-DSC

TIMOTHY CHARLES PEDEN,

Plaintiff,

vs.

NANCY A. BERRYHILL,

*Acting Commissioner of Social Security,*

Defendant.

ORDER

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation ("M&R"). (Doc. No. 10). The M&R was entered on June 6, 2019. Federal Rule of Civil Procedure 72(b) allows a party fourteen (14) days to file specific written objections to a Magistrate Judge's proposed findings and recommendations. Fed. R. Civ. P. 72(b)(2). "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

By copy of the M&R, each party was advised of their right to file written objections and no objections were subsequently filed. The Court has reviewed the record and has found no clear error as to the Magistrate Judge's recommendation. Therefore, the Court ADOPTS and APPROVES the findings and recommendations set forth in the M&R. (Doc. No. 10, p. 8). Plaintiff's "Motion for Summary Judgment," (Doc. No. 7), is hereby DENIED; Defendant's

“Motion for Summary Judgment,” (Doc. No. 8), is hereby GRANTED; and the Commissioner’s determination is AFFIRMED.

IT IS SO ORDERED.

Signed: July 23, 2019

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

